IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19205 of 2004

Between:

Lakshmi Mahila Sangam, Kammaguttapalle, Gudipalle Mandal,
Chittoor District, Represented by its Group Leader-Smt. K. Sundaramma,
W/o K. Srinivasulu, aged about 30 Years, R/o. Kammaguttapalle

Gudipalle Mandal, Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor District, Chittoor.

2 The Sub-Collector, Madanapalle, Chittoor District.

3 Smt. C. Sivamma, W/o. Devaraju,
R/o Pedda Badanawada Village, Gudupalle Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing the impugned proceedings No.Rc.E1/393/2004 dated 30-7-2004 as illegal, arbitrary and in violation of the Constitution of India by setting aside the same and consequently to direct the 1st respondent to permit the petitioner to run the Fair Price shop at Kammaguttapalle village, Gudupalle Mandal, Chittoor District.

Counsel for the Petitioner: MR.S.S.BHATT

Counsel for Respondents 1 and 2: GP FOR CIVIL SUPPLIES

The Court made the following at the admission stage:

O R D E R:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1 and 2.

As can be seen from the material on record, by virtue of the orders dated 15-07-2004, passed by the second respondent, the petitioner was appointed as a Fair Price Shop Dealer of Kammaguttapalle village of Gudipalle Mandal, which was created on bifurcation of the existing Fair Price Shop at Pedda Badanawada village.

It appears that subsequently, the order of bifurcation dated 25-05-2004 was challenged by one C. Sivamma of Pedda Badanawada Village, third respondent herein, by filing an appeal before the Director of Civil Supplies. Having entertained the said appeal, the Director of Civil Supplies, by order dated 22-07-2004, granted stay of all further proceedings in pursuance of the order of bifurcation till the disposal of appeal. Consequently, the first respondent, District Collector, issued the impugned proceedings dated 30-07-2004 directing the second respondent to stay all the proceedings.

May be that the petitioner is not made a party to the appeal before the Director of Civil Supplies, but the fact remains that the validity of the order of bifurcation is the subject matter of the appeal pending before the Director of Civil Supplies. It is not in dispute that the appointment of the petitioner is only consequent to the said order of bifurcation.

In the circumstances, I am of the view that it would be appropriate for the petitioner to contest the appeal pending before the Director of Civil Supplies, and also to seek vacation of the order dated 22-07-2004. Without taking such steps, the petitioner cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, questioning the consequential order dated 30-07-2004.

Accordingly, granting leave and liberty to the petitioner to get itself impleaded in the appeal pending before the Director of Civil Supplies and to urge all the grounds in the said appeal, the writ petition is disposed of. No order as to costs.

_____

(**G.ROHINI, J)**

Date:08-11-2004

Note:

Office to issue C.C. in one week.

B/o

ghn

`To

1 The District Collector, Chittoor District, Chittoor.

2 The Sub-Collector, Madanapalle, Chittoor District.

3 Two CCs to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.